

glycol, a lithium salt of the polyalkylene glycol, and a dialkyl aluminum salt of the polyalkylene glycol.

50. A battery comprising:  
a solid polymer electrolyte according to claim 36;  
a positive electrode; and  
a negative electrode.

#### REMARKS

Claims 36-50 are presented hereby in place of claims 19-35.

Claim 36 represents the subject matter of claim 26, which was not entered after final in accordance with the Advisory Action mailed June 27, 2002, for raising new issues. Claims 37-50 correspond to claims 21-23, 35, 24, 25, and 27-34, respectively, made directly or indirectly dependent on claim 36.

Applicant incorporates herein by reference the remarks contained in the Amendment filed June 10, 2002.

Applicant submits the following additional remarks, with respect to the rejection for alleged obviousness-type double patenting based on claims 1-28 of Miura.

Attached hereto, as Appendix I, is a comparison between the polymers of the presently claimed invention and the polymers in Miura (U.S. Patent No. 5,968,681). As shown in the

attached comparison, the presently claimed polymer is patentably distinguishable from the polymer of Miura in view of the different "y" oxypropylene ( $-\text{CH}_2-\text{CH}(\text{CH}_3)-\text{O}-$ ) units in each. There being no showing of obviousness between the different oxypropylene units, obviousness-type double patenting has not been demonstrated, and withdrawal of the rejection is in order.

**Second Resubmitting PTO Form 1449**

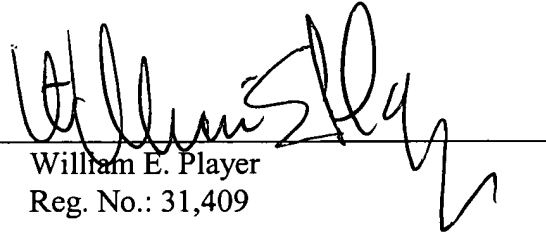
Attached hereto, as Appendix II, is a complete copy of the IDS filed August 23, 2001, by facsimile, with copy of the facsimile confirmation for 19 total pages. Request is renewed for the Examiner to consider the references and initial and return the PTO Form 1449, accordingly.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: \_\_\_\_\_

  
William E. Player  
Reg. No.: 31,409

The Jenifer Building  
400 Seventh Street, N.W.  
Suite 600  
Washington, D.C. 20004  
(202) 638-6666  
Atty Dkt. No.: P63943US0  
Date: August 9, 2002  
WEP/rdt

R:\HOME\rtthomas\2002\August\P63943US0-Amdt



# APPENDIX I

App.

Art

Miura et al.

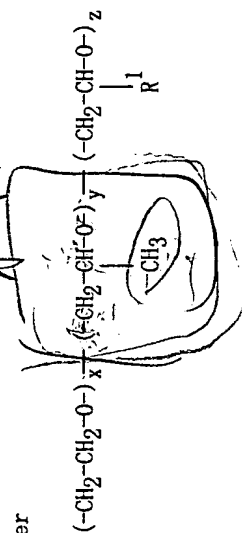
USP Application Serial No. 09/417,135

Miura et al.

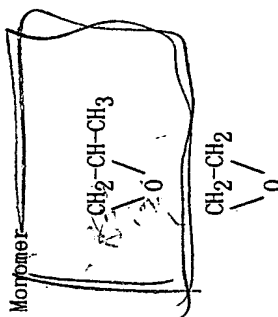
USP 5,968,681

Oxypropylene

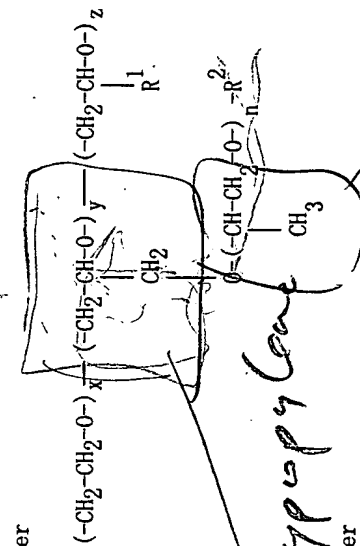
Polymer



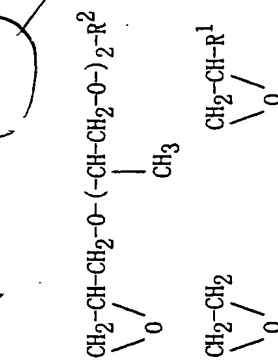
Monomer



Polymer



Monomer



not oxypropylene

oxypropylene



## **APPENDIX II**